

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

KEN D. CLARK,

Claimant,

v.

STATE OF IDAHO, INDUSTRIAL
SPECIAL INDEMNITY FUND,

Defendant.

IC 02-523779

ORDER

Filed: August 7, 2006

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is totally and permanently disabled.
2. ISIF is not liable for any portion of Claimant's total and permanent disability pursuant to Idaho Code § 72-332.
3. Since there is no finding of liability on the part of ISIF, the issue of apportionment under *Carey* is moot.
4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 7 day of August, 2006.

INDUSTRIAL COMMISSION

/s/ _____
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R.D. Maynard, Commissioner

ATTEST:

/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of August, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

BRAD D PARKINSON
PO BOX 1645
IDAHO FALLS ID 83403-1645

PAUL B RIPPEL
PO BOX 51219
IDAHO FALLS ID 83405-1219

djb

/s/_____